

REMARKS

Claims 1 and 2 currently appear in this application. The Office Action of June 18, 2001, has been carefully studied. It is believed that all of the claims are allowable, and favorable action is earnestly requested.

Election/Restriction

It is noted that the restriction requirement has been made final. Accordingly, claims 3-10 have been cancelled from the application.

Rejections under 35 U.S.C. 112

Claims 1 and 2 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1 and 2 are said to be incomplete because they lack a step wherein the blood sample from the donors is tested for the presence of a DNA which encodes the HTLV-I Tax protein. Claims 1 and 2 are also said to lack antecedent basis for "said subjecting step is positive."

This rejection is respectfully traversed. Claim 1 has been amended to recite a step for testing samples, as well as to provide antecedent basis for the positive step.

Art Rejections

Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Zucker-Franklin et al.

In re Appl. No. 09/543,782

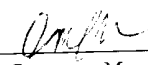
This rejection is respectfully traversed. Claim 1 has been amended to recite that the samples have not been tested for antibodies to HTLV-I or HTLV-II. Support for this amendment can be found in the specification at page 16, lines 16-19. There is nothing in Zucker-Franklin et al. that discloses or suggests that the samples were tested for antibodies to HTLV-I or HTLV-II.

In view of the above, it is respectfully submitted that the claims are now in condition for allowance, and favorable action thereon is earnestly solicited.

Respectfully submitted,

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BY E-MAIL TO THE PATENT OFFICE ON OCT 14 11 AM '93 AFTER FINAL OFFER

"Version with Markings to Show Changes"

1. (Twice Amended) A method of screening blood donors or potential blood donors for carriers of diseases or conditions related to HTLV-I and/or HTLV-II infection, comprising:

testing a sample from the donors or potential donors for the presence of a DNA which encodes the HTLV-I Tax protein or the HTLV-II Tax protein;

wherein a positive test indicates the presence of:

(a) HTLV-I and/or HTLV-II Tax protein;

(b) DNA which encodes the HTLV-I Tax protein and/or

(c) antibodies specific to the HTLV-I Tax protein

and/or antibodies specific to the HTLV-II Tax protein; and

determining that the donor is a carrier of a disease or condition related to HTLV-I or HTLV-II infection when said

~~subjecting~~ testing step is positive, without input from any

~~other test result~~ for antibodies to HTLV-I or HTLV-II.